

Appl. No.: 10/675,011
Filed: September 30, 2003
Amdt. Dated November 8, 2006

REMARKS

In view of the restriction requirement dated October 3, 2006, and Applicants' election of the Group VII invention, i.e., claims 44 and 45, in the response filed November 3, 2006, claims 1-43 have been canceled without prejudice to or disclaimer of the subject matter encompassed thereby. Applicants expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in these canceled claims.

Claims 44 and 45 have been amended, and new claims 46-84 have been added. Specifically, claim 44 has been amended to recite a method for enhancing expression of a biologically active polypeptide in a duckweed plant culture or duckweed nodule culture, where the method comprises expressing the polypeptide from one or more nucleotide sequences comprising a coding sequence for the polypeptide and an operably linked 5' leader sequence, where the 5' leader sequence is from a ribulose-bis-phosphate carboxylase small subunit gene (RbcS). Support for recitation of the operably linked 5' leader sequence from a RbcS gene resides in the specification, for example, at page 20, lines 14-15 and line 25, and in original claim 44; support for expression of the polypeptide from one or more nucleotide sequences resides, for example, in the specification at page 25, line 14, continuing through page 26, wherein approaches for expression of multimeric proteins are discussed, and in the original claims, for example original claims 8 and 9. Amended claim 45 is directed to the method of the invention wherein the 5' leader sequence is from a RbcS gene of *Lemna gibba*. Support for this amendment resides throughout the specification and original claims, for example, original claim 44. No new matter is added by way of claim amendment.

New claims 46-84 are directed to specific embodiments of the invention. Support for these claims resides throughout the specification and in the original claims. Thus, support for claims 46, 48, 49, 51, 52, 65, 66, 74, 75, 80, and 81 resides in the specification, for example, at page 29, lines 1-4, and in original claims 44 and 45. Support for claims 47 and 50 resides throughout the specification and in original claims 1, 3, 8, 9, 31, and 33. Support for claims 53-56 resides throughout the specification and in original claims 4-7, 10-13, and 34-37. Support for the signal peptides recited in claim 57 resides in the specification, for example, at page 6, lines 7-12. Support for claims 58, 59, 72, 73, 78, and 79 resides throughout the specification, for

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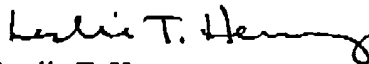
example, at page 8, line 28, continuing through page 9, line 4, and in original claims 23, 24, and 39. Support for claims 60-64 resides throughout the specification, for example, at page 38, lines 5-13, and in original claims 18-21. Support for claims 67-71 resides throughout the specification, for example, at page 7, lines 17-21, at page 25, lines 14-27, at pages 38-39, and in original claims 8 and 14-17. Support for claims 76 and 77 resides throughout the specification, for example, at page 8, lines 16-27, at page 23, line 20, continuing through page 24, line 5, and in original claim 31. Support for claims 82-84 resides throughout the specification, for example, at page 8, lines 9-15, and in original claims 25-27 and 28. No new matter is added by way of presentation of these new claims.

Applicants' claims were subject to a restriction requirement, wherein original claims 44 and 45, drawn to a method of enhancing expression of a biologically active polypeptide in a duckweed plant culture or duckweed nodule culture that is stably transformed to express the polypeptide, were elected. Claims 44-84 are readable on the elected invention.

As no new matter is added by way of claim amendment or presentation of new claims, the Examiner is respectfully requested to enter these amendments into the above-identified application prior to the substantive examination of this application on its merits. Claims 44-84 are now pending in this application.

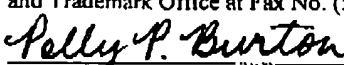
It is not believed that extensions of time or fees for net addition of claims are required. However, in the event that extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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